

REMARKS

I. Claim Status

Claims 1 and 2 are in this application.

Claims 3-12 have been withdrawn from further consideration as not being readable on the elected species.

Accompanying this amendment is an abstract of less than 150 words on a separate sheet of paper.

II. Claim Rejections

Claims 1 and 2 were rejected as being anticipated by Balmat USP 5,713,799. This rejection is respectfully traversed.

Applicant's invention relates to a golf ball which provides a quantitative indication to the golfer of the quality of his or her putting stroke. The golf ball includes equatorial rings 10 and 12 which are aligned with the target prior to the putting stroke. If the ball is not squarely struck, side-spin is imparted to the ball and the equatorial rings 10 and 12 appear to wobble as the ball moves toward the target.

In addition to the equatorial rings, the ball also contains polar markings which, in the elected species, comprise rings 14. When the ball is aligned before putting, with the golfer's head directly over the ball, the polar markings are essentially invisible. If the ball is struck properly, these polar markings remain unobtrusive as the ball rolls toward the target. However, if the ball is not struck squarely, causing side-spin to be imparted to the ball, the side-spin causes the polar markings to become visible to the golfer as the ball rolls toward the target. The extent to which the

polar markings are visible provides a quantitative indication to the golfer of the quality of his or her putting stroke.

This concept is completely absent in the cited prior art.

Balmat discloses a golf ball which includes various markings intended to assist the golfer in aligning his stance and the club head. In this respect, the ball includes two equatorial lines 17 and 18 with which the golfer can align his feet, and two arguably polar lines 37 and 38 with which the club face can be aligned. Balmat has nothing whatsoever to do with marking a ball so that a golfer can determine whether the ball was properly struck during putting; moreover, since the purpose of the markings 37 and 38 is to enable the golfer to align the club head, obviously these markings are not essentially invisible to the golfer at address. If they were, they could not be used to help align the club face. Finally, the polar markings are not parallel to the equatorial markings and, therefore, cannot provide a quantitative indication of the extent to which side-spin is imparted to the ball.

In order to more clearly distinguish over the configuration shown in Balmat, claim 1 has been amended to specify that the polar markings are essentially invisible to a golfer looking directly down on the ball when the equatorial rings are aligned to a selected target.

Applicant respectfully submits that the rejection of claims 1 and 2 as being anticipated by Balmat is clearly improper and that the rejection should therefore be withdrawn

Claims 1 and 2 were also rejected under 35 U.S.C. 103(a) as being unpatentable over Sohn U.S. Design Patent No. 414229 in view of Koch USP 5,013,046. This rejection is also respectfully traversed.

The primary reference, Sohn, is a design patent and the reasons for the markings are not explained. In any event, while it is apparent that equatorial rings are disclosed in Sohn, there is nothing comparable to applicant's polar markings. Evidently, the Examiner agrees, but contends that it would be obvious to include markings in the polar region of Sohn's ball in view of Koch who discloses polar markings.

Koch provides a golf ball which includes a multiplicity of distinct identifying marks spaced apart so that at least one mark is visible no matter how the ball lies. The purpose of the invention is to enable the golfer to readily identify his or her ball regardless of how it sits. In the rejection, the Examiner asserted that Sohn discloses two equatorial O-rings and that "Koch teaches the use of markings on the polar regions of a ball... Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the golf ball of Sohn with markings as taught by Koch in order to identify a ball without touching it, rolling it over, or picking it up as stated in column 1, lines 35-40 of the Koch reference."

In fact, Koch teaches more than simply marking a ball for the purpose of identification. In column 3, lines 52-62, Koch explains that the equator marks 27 "give the appearance of a straight line when the ball is rolling after being struck by a good putting stroke. The line formed by the marks 27, on the other hand, when the ball is struck by a bad putting stroke, give the appearance of a wobbly line after the ball 21 is struck by the poor putting stroke." What Koch fails to show, however, is the idea of using polar markings for the purpose of providing a quantifiable indication of the quality of the putting stroke. In applicant's invention, the extent to which polar markings become visible after a ball is improperly struck lets the golfer know how poor the putting stroke actually was. Despite the fact that Koch discloses polar markings, this concept is not disclosed nor is it even vaguely suggested.

Applicant's claims, as amended, require that the polar markings be substantially invisible to the golfer when the ball is addressed (with the equatorial markings extending toward the target) but that when side-spin is imparted to the ball at impact, the extent of visibility of the polar markings indicates the amount of side-spin imparted to the ball at impact.

As Koch makes clear, the essential purpose of the markings on the ball is to simplify identification of the ball. It is true that the polar markings would be essentially invisible to the golfer when the ball is aligned with the equatorial marking directed at the target, but the markings are so small that they would not be able to provide a quantitative measurement of the putting stroke. In requiring that the polar markings be large enough to achieve this function, applicant's claims patentably distinguish over Koch and any combination of references which relies on Koch to disclose the polar markings as claimed.

For the sake of completeness, it is noted that the Sohn patent is a design patent and the reason for the imprinted design is not stated. While it is possible that the equatorial rings function to provide an indication of whether the ball was properly struck, this is not necessarily the case and since the patent is a design patent, the assumption should be that the lines were not added to serve a functional purpose. But even if this is not the case, and Sohn's equatorial lines are intended to be functional, there is surely no reason to combine Sohn and Koch since the functional purpose served by Koch's equatorial markings would serve the identical purpose. Nothing in neither patent suggests the use of polar markings of a type sufficient to provide a quantitative indication of the quality of the putting stroke; hence, no permissible combination of these references can properly be relied upon to reject applicant's pending claims which depend primarily on this feature.

Dated: October 23, 2007

Respectfully submitted,

By Michael J. Sweedler
Michael J. Sweedler

Registration No.: 19,937
DARBY & DARBY P.C.
P.O. Box 770
Church Street Station
New York, New York 10008-0770
(212) 527-7700
(212) 527-7701 (Fax)
Attorneys/Agents For Applicant